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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,153	02/11/2004	Shogo Hasegawa	2004_0099A	1221

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT PAPER NUMBER

3765

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

58

Office Action Summary	Application No. 10/775,153	Applicant(s) HASEGAWA, SHOGO	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

SPECIFICATION

Informalities

The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, line 13 the words "it exists with the one did it as the attachment".

In lines 17-18, "and the so on."

Last two lines, "...they had a disadvantage that the user-friendliness is bad with points is various".

On page 4, line 12, "PREFERRED EMBODIMENT OF THE INVE".

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

CLAIMS

Summary

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2 and 3 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to the claims, these are replete with unclear language and terms, which lack a proper antecedent basis. Examples of which are as follows:

Claim 1, line 2, there is no proper antecedent for the words "the part extended".

Line 1, the words "mounted through a operation of set screw to a sewing machine" seem to have missing text or are grammatically incorrect.

Line 11, there is no proper antecedent for the words " the pin".

In claim 2, "2nd and 1st" should be replaced by "second" and "first", respectively.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rakacs (3,374,753) in view of Hess (3,046,918).

Rakacs discloses the invention substantially as claimed. Rakacs teaches a sewing machine including a circular sewing attachment mounted to the sewing machine and comprising a support section 22, an extended section 25, and a pin section 33. The support section is mounted in the "front" side of the needle towards the upright portion of the sewing machine. The extended part 25 is extended in front of the needle towards the needle plate side and beyond the needle plate 15 towards the free end of the sewing arm 12. The extended portion including an overlapping portion, which overlaps the support section and the needle plate and includes a scale 70 for adjusting the position of the extended portion and thus the radius of the circular sewing. The support section includes a finger engageable locking means 63 for locking the extended portion to a desired extension. The extended portion is bent and includes a pin portion 33 for pricking the material being circularly sewn. The material is held by the pin and is moved past the needle in a rotating motion for forming the circular sewing. However, Rakacs does not suggest the scale portion as including a slot and adjustment screw for affixing the extended portion at the desired location along the support portion.

Hess teaches a sewing machine including a circular sewing attachment mounted to the sewing machine and comprising a support section 11, an extended section 25, and a pin section 28. The support section is mounted in the presser foot and the extended part 25 is extended away from the needle path for adjusting the position of the extended portion and thus the radius of the circular sewing. The support section

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includes an adjustment screw 19 for locking the extended portion to a desired extension. The extended portion includes a slot 26 for extending and adjusting the position thereof along the support. The adjusting screw locks the extending portion in the desired position along the slot.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the extended portion of Rakacs as including a slot and adjusting screw for affixing the position of the extending portion. Providing such an arrangement would allow the more positive locking of the extending portion due to the greater surface area available for gripping between the screw and slot.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rakacs (3,374,753) in view of Rodriguez (5,979,346).

Rakacs discloses the invention substantially as claimed. Rakacs teaches a sewing machine capable of circular sewing and including a circular sewing attachment mounted to the sewing machine and comprising a support section 22, an extended section 25, and a pin section 33. However, Rakacs does not suggest the sewing machine as being the overlock sewing machine type.

Rodriguez teaches a sewing machine capable of circular sewing and including a circular sewing attachment comprised by a presser foot 44 with a deformable sleeve 46. Rodriguez teaches the sewing machine being of the overlock sewing machine type. See column 4, lines 32-38.

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Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the sewing machine of Rakacs as including an overedge type sewing machine. Providing such a sewing machine would allow the circularly sewn product to have an appealing edge stitching including not frayed or extending threads from the stitching.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Szczepanski et al. Illustrate a circular sewing machine attachment with a pin and calibrations. Terry illustrates a circular sewing attachment including a scale and sliding adjustments. Von Halle illustrates a movable circular sewing attachment. Kiesewetter et al. Illustrate a guide for circular sewing.

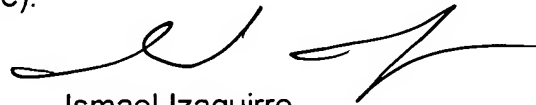
INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II
3/15/05